

**IN THE CLAIMS**

1. (Currently Amended) A method for scheduling a download from a server computer to a client computer, the method on the client computer comprising:

- obtaining a first threshold time value;
- obtaining a second threshold time value;
- pinging at least one server to calculate locally at the client computer a response time between the client computer and the server;
- obtaining a percentage of CPU utilization of the client;
- calculating a weighted ~~result~~sum of the response time and the CPU utilization, where the weighted sum rescales at least one of the response time and the CPU utilization to provide a sum of at least two quantities with a given numeric order of magnitude; and
- determining locally at the client computer a time for performing a download between the first threshold time value and the second threshold time value based on the weighted result.

2. (Previously Presented) A method according to claim 1, wherein the determining a time comprises a sub-step of:

- generating locally at the client computer a random time between the first threshold time value and the second threshold time value.

3. (Previously Presented) A method according to claim 2, wherein the generating locally at the client computer a random time further comprises:

- selecting a random time between the first threshold time value and the second threshold time value, based on the random number, the first threshold time value and the second threshold time value.

4. (Previously Presented) A method according to claim 1, wherein the determining a time further comprises:

- obtaining one or measures of local resource availability at the client computer including a count of the number of other downloads underway; and
- comparing the one or more measures to one or more corresponding preselected

limits.

5. (Previously Presented) A method according to claim 4, wherein the calculating a weighted result of the response time and the CPU utilization-comprises:

calculating a weighted result of the response time and the CPU utilization and one or more measures of local resource availability.

6. (Previously Presented) A method according to claim 4, wherein the calculating a weighted result comprises:

calculating a weighted result using the equation of

$$WS = PRT * PRTW + DC * DCW + CPU * CPUW$$

wherein,

PRTW is the response time weight for pinging the server,

DC is the count of number of downloads underway,

DCW is a weight for the count of number of downloads underway,

CPU is the percentage of CPU utilization,

CPUW is a weight for the percentage of CPU utilization, and

WS is the weighted result.

7. (Previously Presented) A method according to claim 6, wherein the response time weight of PRTW is on an order of magnitude of 100.

8. (Previously Presented) A method according to claim 6, wherein the weight of CPU utilization CPUW is on an order of magnitude of 1/10.

9. (Currently Amended) A method for scheduling a download from a server computer to a client computer, the method on the client computer comprising:

checking a percentage of CPU utilization of a client computer;

checking a ping response time between the client computer and a server computer; and

obtaining a count at the client computer of a number of downloads currently underway;

obtaining a weight corresponding to the percentage of CPU utilization;  
obtaining a weight corresponding to the ping response time;  
obtaining a weight corresponding to the count of the number of downloads  
currently underway;  
calculating a weighted sum of the percentage of CPU utilization, the ping  
response time, and the count of the number of downloads currently underway, using  
the weight corresponding to the percentage of CPU utilization, the weight  
corresponding to the ping response time, and the weight corresponding to the count of  
the number of downloads currently underway, where the weighted sum rescales at least  
one of the response time and the CPU utilization and the ping response time to provide  
a sum of at least two quantities with a given numeric order of magnitude; and  
comparing the weighted sum to a limit value.

10. (Cancelled)

11. (Currently Amended) A computer readable medium containing programming instructions for scheduling a download from a server computer to a client computer the programming instructions for execution on the client computer comprising:

obtaining a first threshold time value;  
obtaining a second threshold time value;  
pinging at least one server to calculate locally at the client computer a response time between the client computer and the server;  
obtaining a percentage of CPU utilization of the client;  
calculating a weighted result of the response time and the CPU utilization  
calculating a weighted resultsum of the response time and the CPU utilization, where the weighted sum rescales at least one of the response time and the CPU utilization to provide a sum of at least two quantities with a given numeric order of magnitude; and  
determining locally at the client computer a time for performing a download between the first threshold time value and the second threshold time value based on the weighted result.

12. (Previously Presented) A computer readable medium according to claim 11,

wherein the programming instructions for determining a time further includes programming instructions for:

generating locally at the client computer a random time between the first threshold time value and the second threshold time value.

13. (Previously Presented) A computer readable medium according to claim 12, wherein the programming instructions for generating locally at the client computer a random time further includes programming instructions for:

selecting a random time between the first threshold time value and the second threshold time value, based on the random number, the first threshold time value and the second threshold time value.

14. (Previously Presented) A computer readable medium according to claim 13, wherein the programming instructions for determining the time further includes programming instructions for:

obtaining one or measures of local resource availability at the client computer including a count of the number of other downloads underway; and

comparing the one or more measures to one or more corresponding preselected limits.

15. (Previously Presented) A method according to claim 14 wherein said programming instructions for calculating of a weighted result of the response time and the CPU utilization further includes programming instructions for:

calculating a weighted result of the response time and the CPU utilization and one or more measures of local resource availability.

16. (Previously Presented) A computer readable medium according to claim 14, wherein the programming instructions for calculating a weighted result further includes programming instructions for:

calculating a weighted result using the equation of

$$WS = PRT * PRTW + DC * DCW + CPU * CPUW$$

wherein,

PRTW is the response time weight for pinging the server,  
DC is the count of number of downloads underway,  
DCW is a weight for the count of number of downloads underway,  
CPU is the percentage of CPU utilization,  
CPUW is a weight for the percentage of CPU utilization, and  
WS is the weighted result.

17. (Previously Presented) A computer readable medium according to claim 16, wherein the response time weight of PRTW is on an order of magnitude of 100.

18. (Previously Presented) A computer readable medium according to claim 11, wherein the weight of CPU utilization CPUW is on an order of magnitude of 1/10.

19. (Currently Amended) A computer readable medium comprising programming instructions for scheduling a download from a server computer to a client computer including programming instructions for execution on the client computer for:

checking a percentage of CPU utilization;

checking a ping response time between the client computer and the server;

obtaining a count of a number of downloads currently underway;

checking a percentage of CPU utilization of a client computer;

checking a ping response time between the client computer and a server computer; and

obtaining a count at the client computer of a number of downloads currently underway;

obtaining a weight corresponding to the percentage of CPU utilization;

obtaining a weight corresponding to the ping response time;

obtaining a weight corresponding to the count of the number of downloads currently underway;

calculating a weighted sum of the percentage of CPU utilization, the ping response time, and the count of the number of downloads currently underway, using the weight corresponding to the percentage of CPU utilization, the weight corresponding to the ping response time, and the weight corresponding to the count of

the number of downloads currently underway; and  
comparing the weighted sum to a limit value.

20. (Cancelled)

21. (Currently Amended) A client information processing system comprising:

a network interface;

a client download scheduling intelligent agent for accepting specification from a user of a period during which a download is to be performed, and determining a time within the period for performing the download by

pinging at least one server to calculate locally at a client computer a response time between the client computer and the server;

obtaining a percentage of CPU utilization of the client;

calculating a weighted result of the response time and the CPU utilization

calculating a weighted result sum of the response time and the CPU utilization, where the weighted sum rescales at least one of the response time and the CPU utilization to provide a sum of at least two quantities with a given numeric order of magnitude; and

determining locally at the client computer, a time for performing a download between the time period which the download is to be performed and the second threshold time value based on the weighted result.